

REMARKS

Claims 1, 2 and 4-99 are pending, with claims 1, 15, 21 and 27-32 being independent and claims 27-96 being withdrawn from consideration. Dependent claims 97-99 have been added and find support in the application at page 9, lines 5-9, for example. No new matter has been introduced.

Claims 1, 2 and 4-26 have been rejected as being unpatentable over Edwards (U.S. 2002/0077160) in view of Yoon (U.S. Patent No. 6,697,083). The rejection asserts that the motivation to combine Edwards with Yoon so as to have the system of Edwards have one of the first housing and the second housing include a transmitting unit while the other includes a receiving unit would have been "to specifically point out the arrangement of typical device components, such as the transmitting unit, the receiving unit, and the display." Applicants disagree.

Initially, applicant notes that the last reply provided arguments as to why the motivation to combine would not exist, and that the current rejection ignores those arguments. In particular, as previously noted, Edwards states, in paragraph [0020] that "the antenna of certain handheld devices, such as satellite phones, must extend above the user's head" and that the "cover 24 operates as an extender for antenna 21" and "extends beyond the user's ear so that it provides the highest possible antenna base without requiring an antenna extension of the like." Thus, Edwards indicates that it is important to maximize the distance that the antenna extends from the components with which it operates, which would weigh against moving components to the cover of Edwards. Moreover, in order to maintain a consistent distance between the microphone and the speaker (which the rejection equates with the transmitting and receiving units), the size of device of Edwards would need to be reduced if the microphone or speaker were moved to the cover, and this, in turn, would lower the antenna base, which is contrary to the purpose of Edwards.

In addition, the figures of Edwards (particularly Fig. 4) show where components of the phone, including the microphone and the receiver, are located, and clearly indicate that the cover does not include any functional components other than the antenna. As such, since Edwards

already shows where components of the phone, including the microphone and the speaker, are located, Yoon's mere illustration of placing them elsewhere would not have provided any motivation for moving them.

The rejection also points to In re Japikse for the proposition that rearranging parts of an invention involves only routine skill in the art. However, that case held that claims to a hydraulic power press which read on the prior art except with regard to the position of a starting switch were unpatentable because shifting the position of the starting switch would not have modified the operation of the device. By contrast, as discussed above, moving the components of Edwards system would have significantly modified operation of the device described by Edwards.

Accordingly, for at least these reasons, the rejection should be withdrawn.

Applicant submits that all claims are in condition for allowance.

The fees in the amount of \$270 (\$150 for extra claims and \$120 for the one-month extension of time) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W. - 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
/adt
40342170.doc



John F. Hayden
Reg. No. 37,640